

E-filed 8/9/06

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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

DON GALLARDO, Derivatively on Behalf of
Nominal Defendant INTUIT INC.,

Plaintiff,

vs.

STEPHEN M. BENNETT, GREGORY J.
SANTORA, SCOTT D. COOK, RAYMOND J.
STERN, RICHARD W. IHRIE, LORRIE M.
NORRINGTON, ROBERT B. HENSKE,
JAMES J. HEEGER, ERIC C.W. DUNN,
CHRISTOPHER W. BRODY, MICHAEL R.
HALLMAN, DONNA DUBINSKY,
WILLIAM V. CAMPBELL, L. JOHN
DOERR and DENNIS POWELL,

Defendants,

and

INTUIT INC.

Nominal Defendant.

Case No. C-06-3864 JF (PVT)

STIPULATION AND [PROPOSED]
ORDER CONSOLIDATING
CASES & SCHEDULE FOR
FILING OF CONSOLIDATED
COMPLAINT

Caption continued on next page

1 BETH AMADO, Derivatively on Behalf of
2 Nominal Defendant INTUIT INC.,

3 Plaintiff,

4 vs.

5 STEPHEN M. BENNETT, GREGORY J.
6 SANTORA, SCOTT D. COOK, RAYMOND J.
7 STERN, RICHARD W. IHRIE, LORRIE M.
8 NORRINGTON, ROBERT B. HENSKE,
9 JAMES J. HEEGER, ERIC C.W. DUNN,
10 CHRISTOPHER W. BRODY, MICHAEL R.
11 HALLMAN, DONNA DUBINSKY,
12 WILLIAM V. CAMPBELL, L. JOHN
13 DOERR and DENNIS POWELL,

14 Defendants,

15 and

16 INTUIT INC.

17 Nominal Defendant.

Case No. C-06-4344 JF (PVT)

18 WHEREAS, the Plaintiffs in the above-captioned actions filed complaints alleging
19 similar claims against the same Defendants;

20 WHEREAS, the above-captioned actions arise out of the same transactions and
21 occurrences and involve the same or substantially similar issues of law and fact; and, therefore,
22 should be consolidated for all purposes under Federal Rule of Civil Procedure 42(a).

23 IT IS STIPULATED AND AGREED by Plaintiffs and Defendants, through their
24 respective counsel of record, as follows:

25 **I. CONSOLIDATION OF ACTIONS**

26 1. The above-captioned actions are consolidated for all purposes under the following
27 caption, and shall be assigned the case number from the first-filed action.

28 STIPULATION & [PROPOSED] ORDER CONSOLIDATING CASES & SCHEDULE FOR FILING OF
CONS COMPLAINT

2. The caption of these consolidated actions shall be "*In re Intuit, Inc. Derivative Litigation*" and the files of these consolidated actions shall be maintained in one file under Master File No. C-06-3864 JF (PVT) Any other actions now pending or later filed in this Court which arise out of or are related to the same facts as alleged in the above-identified cases shall be consolidated for all purposes, if and when they are brought to the Court's attention.

3. Every pleading filed in the consolidated actions, or in any separate action included herein, shall bear the following caption:

In re INTUIT, INC. DERIVATIVE	}	Master File No. C-06-3864 JF (PVT)
LITIGATION		

4. When a pleading is intended to be applicable to all actions governed by this Order, the words "All Actions" shall appear immediately after the words "This Document Relates To:" in the caption set out above. When a pleading is intended to be applicable to only some, but not all, of the consolidated actions, this Court's docket number for each individual action to which the pleading is intended to be applicable and the abbreviated case name of said action shall appear immediately after the words "This Document Relates To:" in the caption described above.

5. A Master Docket and a Master File hereby are established for the above consolidated proceedings and for all other related cases filed in or transferred to this Court. Separate dockets shall continue to be maintained for each of the individual actions hereby consolidated, and entries shall be made in the docket of each individual case in accordance with the regular procedures of the clerk of this Court, except as modified by this Order.

6. When a pleading is filed and the caption shows that it is applicable to "All Actions," the clerk shall file such pleading in the Master File and note such filing on the Master Docket. No further copies need be filed, and no other docket entries need be made.

1 7. When a pleading is filed and the caption shows that it is to be applicable to fewer
2 than all of the consolidated actions, the clerk will file such pleading in the Master File only but
3 shall docket such filing on the Master Docket and the docket of each applicable action.

4
5 8. When a case which properly belongs as part of *In re Intuit, Inc. Derivative*
6 *Litigation* is filed in this Court or transferred to this Court from another court and assigned to
7 Judge Fogel, the clerk of this Court shall:

8 (a) Place a copy of this Order in the separate file for such action;
9 (b) Mail to the attorneys for the plaintiff(s) in the newly-filed or transferred
10 case a copy of this Order and direct that this Order be served upon or mailed to any new
11 defendant(s) or their counsel in the newly-filed or transferred case; and

12 (c) Make an appropriate entry on the Master Docket. This Court requests the
13 assistance of counsel in calling to the attention of the clerk of this Court the filing or transfer of
14 any case which properly might be consolidated as part of *In re Intuit, Inc. Derivative Litigation*.

15
16 **II. SCHEDULE**

17 9. Plaintiffs shall have 45 days from the entry of this Order to file and serve a
18 Consolidated Complaint which will supersede all existing complaints filed in these actions.
19 Defendants need not respond to any of the pre-existing complaints. Service, pursuant to Rule 4
20 of the Federal Rules of Civil Procedure, of any of the pre-existing complaints on any of the
21 Defendants, or their counsel, shall constitute sufficient service on that defendant. Service shall
22 be effected with respect to any Defendant named in any of the consolidated actions by serving
23 the Consolidated Complaint on that Defendant's counsel.

24
25 10. Each Defendant shall answer or otherwise respond to the Consolidated Complaint
26 no later than 45 days from the date of service. In the event that Defendants file and serve any
27 motion directed at the Consolidated Complaint, Plaintiffs shall file and serve their opposition
28

1 within 45 days after the service of Defendants' motion. If Defendants file and serve a reply to
2 Plaintiffs' opposition, they will do so within 15 days after service of the opposition.

3 DATED: August 8, 2006

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11 DATED: August 8, 2006

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18 DATED: August 8, 2006

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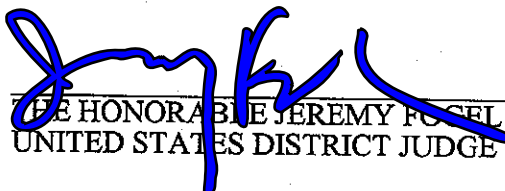
25 Counsel for Defendants Bennett, Brody,
26 Campbell, Cook, Doerr, Dubinsky, Hallman,
27 Powell, Ihrie, Henske and Nominal Defendant
Intuit Inc.

28 * * *

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: 8/9/06


THE HONORABLE JEREMY FOGEL
UNITED STATES DISTRICT JUDGE